

Message

From: Martin, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EF9A2087AB3D4AE59EFA5D2416DE7190-MARTIN, MICHAEL]
Sent: 9/10/2020 4:34:47 PM
To: Stobbe, Chad [chad.stobbe@dnr.iowa.gov]
CC: amie.davidson@dnr.iowa.gov; Whisnant, Amber [Whisnant.Amber@epa.gov]; Bednar, Candace [Bednar.Candace@epa.gov]; Catlin, Kelley [Catlin.Kelley@epa.gov]
BCC: Aston, Robert [Aston.Robert@epa.gov]; Hayworth, Brad [Hayworth.Brad@epa.gov]; Kloeckner, Jane [Kloeckner.Jane@epa.gov]
Subject: CCR and Burlington Generating Station

Chad – EPA HQ staff working on the CCR Rule program have undertaken a review of CCR web sites and have detected some concerns with an April 2019 notice of intent to comply with alternative closure requirements posted by Alliant Energy - Burlington Generating Station. EPA HQ will be drafting a letter to send to the facility (date of submittal to be determined). As discussed on our phone call last week, you will be provided with the final correspondence.

Summary:

- In the April 2019 notice of intent to comply with alternative closure requirements, the facility is seeking an extension of the closure deadline due to an absence of available alternative disposal capacity in accordance with 40 CFR 257.103(a). The notice described the potential conversion to alternative fuel or permanently retiring a boiler and it did not describe efforts the facility has undertaken to develop alternative capacity which is required in the CCR Rule. Plans to convert fuel type or permanently retire the boiler do not provide a basis for extension under Section 257.103(a). 40 CFR 257.103(b), which was not referenced in the notice, does allow for an extension based on a decision to permanently retire the boiler at the facility (and cease generation of CCR). As indicated in the notice, the facility has not yet decided to permanently retire the boiler.
 - At least one of the surface impoundments is receiving non-CCR waste streams. Neither Sections 257.103 (a) nor (b) allow the continued receipt of non-CCR waste streams.
 - The inadequacy of the extension justification raises questions regarding whether the facility qualifies for the alternative closure provisions. In order to substantiate the need for Sections 257.103(a) or (b) and to demonstrate the qualification for them, the facility would need to revise the April 2019 notice with all required relevant and accurate information and update the 2020 annual report providing the facts and information that demonstrate the continued need and qualification for the alternative provisions of Section 257.103(a).
 - On July 29, 2020, the Administrator signed a final rule revision of the CCR regulations. Among other things, the final rule establishes new alternative closure provisions at Sections 257.103(f)(1) and (f)(2). Surface impoundments currently operating under Sections 257.103(a) or (b) will need to either comply with the new regulations at Sections 257.103(f)(1) and (f)(2) or cease receipt of waste for those units as soon as technically feasible but not later than April 11, 2021.

Please contact me for any follow-up.

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